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ZONING HEARING EXAMINER

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Mr. Phil Golden appeared and testified that he is the senior vice president and spokesman for Shelter Development, which is the managing agent for the Applicant, Brightwood of Bel Air, LLC. Mr. Golden indicated that the assisted living facility is currently operating with eighty-seven (87) beds and that they are not seeking to change this number.

Case No. 5014 - Brightwood of Bel Air LLC

Rather, they desire to convert an existing staff lounge to a living unit to better serve the residents of the facility. He testified that there would be no external changes to the building itself and no change in the capacity of the facility in terms of permitted beds or number of residents. The only change would be in the number of living units inside the facility. Mr. Golden testified that he did not believe there would be any impact to the neighborhood or the adjoining properties.

Mr. Anthony McClune, Manager, Division of Land Use Management for the Department of Planning and Zoning, appeared and testified on behalf of the Department. Mr. McClune explained that, as a result of the Applicant's prior zoning appeal case, in which the Applicant was given approval to build and operate the assisted living facility, one of the conditions of approval was that the facility would be limited to eighty-seven (87) beds and seventy-five (75) living units. Mr. McClune noted that this request would not increase the number of beds, but would simply increase the number of living units by one, for a total of seventy-six (76) units. As the Department's Staff Report stated, no exterior changes to the facility are proposed and all of the Code's requirements would be met upon construction of an additional interior unit. According to Mr. McClune, the conversion of the interior space to add one unit is not a substantial modification of the approved site plan and the Department considers this to be a minor request which will not change the manner in which the existing structure is utilized, nor will it have any adverse impact on the neighborhood. Accordingly, the Department has recommended approval of the Applicant's request. No witnesses appeared in opposition.

CONCLUSION:

Section 267-52(B) and (C) of the Harford County Code provides:

- B. A special exception grant or approval shall be limited to the final site plan approved by the Board. Any substantial modification to the approved site plan shall require further Board approval.
- C. Extension of any use or activity permitted as a special exception shall require further Board approval.

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Brightwood of Bel Air LLC's original application for a special exception and variances to operated an assisted living facility at the proposed location was outlined and approved by the Hearing Examiner in Zoning Appeal Case No. 4709, dated September 9, 1997. At that time, the Applicant had requested that the facility be approved for 87 beds and 75 living units. This request was approved and set forth as Condition No. 3 of the Hearing Examiner's decision. The facility has since been built and has been operating in accord with said Condition.

Based upon the uncontradicted testimony and evidence offered in the present case, Applicant's request for one additional living unit, to be constructed out of existing interior space, is a minor modification to the Applicant's site plan and the current use of the Applicant's facility. According to the witnesses, there will be no exterior construction involved in the proposal, no change in the use of the facility, and no impact whatsoever to the surrounding properties or to the neighborhood. There will be no interference with adjacent uses as a result of this request, nor will there be any negative impact on the public health, safety and welfare. In short, there does not appear to be any reason whatsoever to deny this request.

Accordingly, it is the recommendation of the Hearing Examiner that Applicant's request for a modification of the existing site plan and an amendment to the decision in Zoning Appeal Case No. 4709, Condition No. 3, to allow for the conversion of existing interior space to an additional living unit be approved, subject to the following conditions:

1. The Applicant shall submit for review and approval a revised plan in accordance with all other requirements of the Code;
2. The Applicant shall obtain all necessary permits and inspections.

Date APRIL 12, 2000

Valerie H. Twanmoh
Zoning Hearing Examiner